

decision on the basis of what is best for the American people, not about what is best politically, not what gets us past the next election, not what is pleasing to people who want to hear things back at home, not on any other basis than what is necessary to do everything we can to keep us safe from known terrorist attacks that are multiplying faster than we can keep up with across the world, and Americans are in the crosshairs. Our decision should be based on that and that alone.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

USA FREEDOM ACT OF 2015— Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to inquire as to the order.

The PRESIDING OFFICER. The Senate is considering H.R. 2048 postcloture.

Mr. INHOFE. Mr. President, I ask that I be recognized.

The PRESIDING OFFICER. The Senator is recognized.

Mr. INHOFE. Mr. President, I know we have all had a chance to talk about this and the seriousness of what is now before us at this time. I look at the seriousness of this, and I listened to a lot of people standing on the floor and saying things that sound popular to people back home, and I have heard from some of the people in my State of Oklahoma, saying: They talk about the privacy problems and all these things that might be existing. Then I always think about my 20 kids and grandkids and think that they are the ones who are at stake.

This world we have right now is a much more dangerous world than it has ever been before. I look wistfully back at the good old days of the Cold War when we had a couple superpowers. We knew what they had—mutual assured destruction. It really meant something at that time. Now we have crazy people with capabilities, people in countries who have the ability to use weapons of mass destruction.

So right after 9/11 we formed the NSA. We have been talking about that down here. It is not perfect, but I think it is important at this last moment to point out the fact that a lot of lies have been told down here. I heard one person—I think two or three different ones talking about and making the statement that since the NSA procedure was set up after 9/11, that has not stopped one attack on America. I would like to suggest to you that a good friend of mine and a good friend of

the Chair's, General Alexander, who is a very knowledgeable person and ran that program for a while, said—and this was way back 2 years ago, 2013—information “gathered from these programs provided government with critical leads to prevent over 50 potential terrorist events in more than 20 countries around the world” and that the phone database played a role in stopping 10 terrorist acts since the 9/11 attacks.

I was very pleased to hear from my good friend, Senator SESSIONS, a few minutes ago that a brand new poll that just came out of the field shows that almost two-thirds of the people in America want to go back and give back to the NSA those tools we took away 2 days ago.

Now we have a situation where we can talk about a few of the cases where major attacks on this country were stopped by the process we put in place after 9/11.

One was a planned attack in 2009. Najibullah Zazi was going to bomb the New York City subway system. The plan was for him and two high school friends to conduct coordinated suicide bombings, detonating backpack bombs on New York City subway trains near New York's two busiest subway stations; that is, Grand Central Station and Times Square.

Sean Joyce, the Deputy FBI Director, said that the NSA intercepted an email from a suspected terrorist in Pakistan communicating with someone in the United States “about perfecting a recipe for explosives.”

On September 9, 2009, Afghan-American Zazi drove from his home in Aurora, CO, to New York City, after he emailed Ahmed—that was his Al Qaeda facilitator in Pakistan—that “the marriage is ready.” That was a code that meant “We are ready now to perform our task.” The FBI followed Zazi to New York and broke up the plan of attack, and they stated it was because of the email that was intercepted by the NSA that allowed them to do that.

How big of a deal is that? People do not stop and think about the fact that if you look at the New York City subway stations down there, we know that the average ridership of the New York City subway during peak hours averages just under 900,000 people—that is 900,000 people, Americans who are living in New York City.

What we do know is that when they came to New York City to perform their plan at Grand Central Station and Times Square, it was the NSA using the very tools we took away from them 2 days ago, and you wonder, how many lives would have been lost? If there are 900,000 riders on the subway and they are ready to do this at two stations, are we talking about 100,000 lives, 100,000 Americans being buried alive? That attack was precluded by the tools that were used by the NSA that we took away from them just 2 days ago. Many more have not been declassified.

GEN Michael Hayden and GEN Keith Alexander, who are both former Directors of the NSA, and others have confirmed to me personally that at least one of the three terrorist attacks on 9/11 could have been avoided, and perhaps all three could have been avoided if we had had the tools we gave the NSA right after 9/11, and also the attack on the USS Cole could have been prevented entirely.

So you have to stop and think, it is a dangerous thing to stand on the floor and say we have formed this thing in this dangerous world and it has not stopped any attacks on America. That is what we are faced with today.

I voted against the program the House passed that is going to be considered in just a few minutes. I felt it was better to leave it as we had it. Now that is gone. I look at it this way: I do support the amendments that are coming up. I do think the last opportunity we will have will be the program we will be voting on in just a few minutes.

So let's think about this, take a deep breath, and go ahead and pass something so we at least have some capability to stop these attacks and to gather information from those who would perpetrate these attacks and then have time to put together a program that will be very workable and make some changes if necessary.

With that, Mr. President, I yield the floor.

EXTENDING FISA PROVISIONS

Mr. LEAHY. It is unfortunate that we were unable to pass the USA FREEDOM Act before the June 1, 2015, sunset of sections 206 and 215 of the USA PATRIOT Act and the so-called “lone wolf” provision of the Intelligence Reform and Terrorism Prevention Act. Senator LEE and I both sought to bring up the USA FREEDOM Act well before the sunset date to avoid just this situation. Now that the roving wiretap, business records, and so-called “lone wolf” provisions have lapsed, it is important that we make clear our intent in passing the USA FREEDOM Act this week—albeit a few days after the sunset. Could the Senator comment on the intent of the Senate in passing the USA FREEDOM Act after June 1, 2015?

Mr. LEE. Although we have gone past the June 1 sunset date by a few days, our intent in passing the USA FREEDOM Act is that the expired provisions be restored in their entirety just as they were on May 31, 2015, except to the extent that they have been amended by the USA FREEDOM Act. Specifically, it is both the intent and the effect of the USA FREEDOM Act that the now-expired provisions of the Foreign Intelligence Surveillance Act, FISA, will, upon enactment of the USA FREEDOM Act, read as those provisions read on May 31, 2015, except insofar as those provisions are modified by the USA FREEDOM Act, and that they will continue in that form until December 15, 2019. Extending the effect of those provisions for 4 years is the reason section 705 is part of the act.